

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**ResMan, LLC,**

*Plaintiff,*

**v.**

**Karya Property Management, LLC,  
and Scarlet InfoTech, Inc. d/b/a  
Expedien, Inc.**

*Defendants.*

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**Civil Action No. 4:19-cv-00402-ALM**

**JURY TRIAL**

**PLAINTIFF’S REVISED REQUESTED INSTRUCTION REGARDING  
PRELIMINARY INJUNCTION**

Plaintiff respectfully requests that the Court include the following additional instruction to the Jury immediately following the “Compensatory Damages” instruction and before the “Punitive or Exemplary Damages” instruction.

You have heard evidence that the Court issued a preliminary injunction early in this lawsuit. A preliminary injunction is a provisional remedy issued while the litigation is ongoing.<sup>1</sup> ~~The preliminary injunction in this case prohibits Defendants from, among other things, taking any further action to use commercially or disseminate the Arya platform or any other property management software that Defendants developed after obtaining access to ResMan.~~

You are to decide the issues based on the evidence you have seen during the trial. The fact that the Court granted a preliminary injunction should not affect your decision as to who should prevail on the issues presented to you in this case.<sup>2</sup>

The preliminary injunction prohibits Defendants from selling or otherwise using Arya commercially while this case is pending. After you render your verdict, the Court may or may not decide to make the preliminary injunction permanent. In answering the questions on the verdict form, do not speculate about what the Court may decide or the effect any injunction may have on any issue you are being asked to decide. Do not consider the effect

<sup>1</sup> Final Jury Instructions at 4–5, *Moorthy, Riggs & Assocs., v. McIntosh*, 2006 WL 427124 (N.D. Cal.), Dkt. 117 (filed Jan. 17, 2006).

<sup>2</sup> Court’s Charge to the Jury at Instruction 13, *WWP, Inc. v. Wounded Warriors, Inc.*, no. 8:07CV370 (D. Neb.), Dkt. 321 (Sept. 25, 2009).

of any permanent injunction on the amount of damages, if any, you decide to award. ResMan's remedies, if any, will be determined by the Court when it applies the law to your answers at the time of judgment.<sup>3</sup>

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<sup>3</sup> Texas Pattern Jury Charge 115.3.